



SSVF Office Hour Webinar Series

SSVF Legal Services: Models of Implementation

November 19, 2021

[Link to Audio](#)

Agenda

- **Welcome and Introductions**
- **Models of Implementation**
- **Considerations**
- **Compliance Section**
- **Q & A**



Presenters

Carolyn Head - Regional Coordinator, *SSVF*

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Reminder!

*Legal Services Planning
Tool is due 11/23/21!*





Program Services

Legal Service Models of Implementation





Attendee Polling Question:

*Are you currently providing
direct legal services? YES or
NO?*

*Please submit your answer in
the poll!*





Attendee Polling Question:

*Are you in the process of
enhancing legal services to
begin providing directly?
YES or NO?*

*Please submit your answer in
the poll!*



SSVF Grantees need to choose one of two models for implementing the Legal Services Expansion:

- *In-house Counsel*
- *Contract*



In-House Counsel

In-house counsel is an employee of the SSVF grantee.

- **In-house counsel could be full or part-time**
- **Could perform legal assessment at different points of Veteran engagement**
- **Provide SSVF eligible legal services**
- **No need to refer Veterans outside the organization**

Contract Legal Services

Contract with legal services provider chosen by Grantee (i.e. VA housed Legal Clinic/Medical Legal Partnership, Legal Aid, private firm/Attorney, etc.)

- **Need MOU**
- **Legal services provider is a subcontractor**
- **Fee for Service or Flat Fee per Veteran**
- **Ensure legal services provider has the capacity to meet Veteran needs in your community**
- **May contract with more than one to cover catchment area or to meet variety of needs**
- **A sample contract has been provided**

What to Consider when Choosing a Model of Implementation



- *Capacity to serve Veteran households*
- *Funding*
- *Monitoring*
- *Legal Services Provided*
 - *Legal services for Veterans*
 - *Staff Training*



*What to
Consider when
Choosing a
Model of
Implementation*



- *Cultural Competencies*
 - *Do they understand Veteran needs?*
 - *Do they understand Veteran culture?*
 - *Do they have experience addressing Veteran legal issues?*





Attendee Polling Question:

Do you plan to implement in-house, contract, or both?

Please submit your answer in the poll!





FOFA Considerations





Legal Services – FOFA Considerations

- Contract/MOU Requirements:
 - Signed by all parties and current for fiscal year
 - Payment guidelines
 - Invoice submission process
 - Payment supporting documents
 - Process for amendment
 - Description of the type of activities that the subcontractor will perform
 - Quarterly assessments and annual monitoring of performance
 - Subcontractor will be managed by the grantee



Legal Services – FOFA Considerations

- FOFA specific requirements include evidence of:
 - Subcontractor SSVF policies and procedures
 - Policies and procedures, adherence (MOU/Contract)
 - Invoice submission (as outlined in MOU/Contract)
 - Grantee reviewed subcontractor invoices to ensure all costs are eligible
 - Assessment of subcontractor performance (quarterly)
 - Official on-site monitoring review



Legal Services – FOFA Considerations

- Customer Service Requirements:
 - Legal provider response time expectation
 - Follow-up to determine satisfaction and if legal needs were addressed?
- Review of reports outlining type of referrals and outcomes
- Does the legal provider train SSVF staff on legal assessment and when to refer?



Legal Services – FOFA Considerations

- Invoice / report of provided services (to ensure only allowable legal services were/are provided to Veterans)
- Specifically state in MOU what is an allowable legal cost
- Discuss issues with attorney client privilege for services
- Veterans receiving legal services must be enrolled in SSVF; their enrollment is dependent on eligibility and on-going need for SSVF services. MOU terms need to account for Veterans that have been separated from SSVF program and those in need of long-term legal services.



Legal Services- FOFA Consideration

- Legal needs should be addressed in the assessment and corresponding Housing Stability Plan
- Payment method: Flat Fee per Veteran or Fee for Service
- Identify costs as “Legal Services-Client” that will delineate between organizational legal fees and client legal fees

Attendee Polling Question:

Are you unsure or need assistance setting up enhanced legal services? Yes or No?

Please submit your answer in the poll!





Guided Q & A



Questions: Models

■ **Can Grantees pay an Attorney chosen by the Veteran?**

- No, that is not allowable. Grantees need to use contract or in-house to develop an ongoing working relationship and agreement to provide legal services for multiple Veterans as needed.

■ **Are we able to use SSVF funds to retain an Attorney? Like a retainer fee?**

- No, paying an Attorney a small, generalized ongoing amount over a given period of time (i.e. have a lawyer on retainer) is not allowable. Grantees need to demonstrate that the legal services are associated with a specific Veteran for an allowable cost. Retainer fee implies a singular relationship for a Veteran and a private attorney. Contracted Attorney or in-house means an ongoing relationship and agreement to provide services for multiple Veterans.

The goal of the expansion is to build a defined working relationship with a legal services provider(s) for efficient Veteran referrals to an Attorney/organization employed or under contract with a fee schedule in place, staff training, case coordination, etc.

Questions: Models Continued

■ Can we subcontract, but also hire a specialist on SSVF staff to coordinate Legal Services?

- Yes, that would be allowable.

■ Can grantees refer to a Legal Aid provider?

- Grantees that have been making indirect referrals to a Legal Aid provider for pro bono services, will need to enhance their services to direct. So, instead of free, you will pay for allowable legal services for Veterans enrolled in SSVF as defined in a Memorandum of Understanding (MOU). Building on the already established working relationship with Legal Aid and implementing contract model is one option grantees could choose.

Questions: Service Provision

■ What happens if there's an on-going legal case with our legal partner but the Veteran becomes ineligible for SSVF during the process?

- The terms should be outlined in the MOU between SSVF and legal services provider and account for Veterans separated from SSVF and those in need of long-term legal services. Close coordination between SSVF and legal services provider is needed, especially regarding discharge from the SSVF program. All Veterans receiving legal services must be enrolled in SSVF; their enrollment is dependent on eligibility and on-going need for SSVF services. In some cases, where the Veteran has a critical need for legal services, their enrollment for the purposes of continuing legal support may continue after their housing needs have been met and they are no longer receiving housing services.

■ Are SSVF Legal Services limited to housing?

- Legal Services paid for by SSVF must fall under an allowable cost category and have a documented link to housing stability. The legal need should be documented in the legal needs assessment and corresponding Housing Stability Plan. If the legal service is unallowable with SSVF, the grantee can make an indirect referral to a legal services provider.

Questions: Finance

- **Will there be separate financial close out reports due for CARES/FY21?**
 - There will be one FER (excel document) closeout document that will be submitted for CARES and FY21 combined. However, there will be multiple FFR in the Payment Management System; one for each account.
- **Will we have three separate but concurrent funding streams for FY22 (FY22, HCN/Legal, Shallow Subsidy)?**
 - Correct, three accounts in Payment Management System. With that said, FY22 and Legal Services/HCN will be combined in one budget. Shallow Subsidy will continue to have its own budget.
- **Can the ARP amount allocated for legal services for FY22 be moved to another line item if the service is implemented, but that full amount is not needed?**
 - No, the expectation is that the costs associated with legal services should encompass the funds provided, so grantees should expand the services to at least how much we provided through ARP. If the funds ultimately are not needed, they should not be reallocated to other line items and we can explore a National strategy for return and redistribution where needed.

Questions: Finance Continued

■ What if we need more than the ARP funding amount for Legal Services?

- You should budget to meet the anticipated need, which may or may not be more than the additional funds for Legal Services through ARP. You may move funds from other parts of the budget to increase Legal Services if needed.

■ Are Legal Services coming out of TFA?

- No, legal services are not TFA. They are a service. Organizations are not making direct financial payments to 3rd parties in lieu of the Veteran. The contracts/MOUs with a legal service provider (or hiring of direct staff) are essentially expansions of the services your organization provides. Invoiced amounts as defined in contract and in-house personnel expenses will come out of the Legal Services line item. Contract is "Non-personnel" category and in-house hire is "Personnel".

■ What is paid out of General Housing Stability Assistance (GHSA)?

- Legal fees (i.e. court filing fee, driver's license reinstatement, etc.) are paid out of GHSA.



THANK YOU for all you do to
assist Veterans and their
families!

Additional questions may be sent to the SSVF Program Office at ssvf@va.gov.

Project specific questions should be sent to your Regional Coordinator.